

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, November 9, 1993.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Following up on our conversation on Air Force One enroute to Pittsburgh last week, I am enclosing for you a copy of a statement which I presented on the Senate floor today together with a memorandum of law on your power to exercise the line-item veto without a constitutional amendment or statutory authority.

The essence of the position is that Article I, Section 7, Clause 3 of the U.S. Constitution adopted language from the Massachusetts Constitution which authorized the line-item veto. Pennsylvania, Georgia, Vermont and Kentucky included that phrasing to enable their governors to exercise the line-item veto. Presidents Jefferson, Jackson and Tyler refused to execute portions of congressional appropriations enactments constituting a line-item veto.

Again my thanks for including me in last week's trip to Pennsylvania.

My best.

Sincerely,

ARLEN SPECTER.

THE WHITE HOUSE,
Washington, DC, December 18, 1993.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: Thank you for your letter discussing the President's power to exercise line-item veto authority. Your remarks on the Senate floor, as well as the memorandum of law enclosed, are thoughtful statements on the issue, deserving of considered attention. I appreciate your sharing them with me.

As you know I have supported granting the President line-item veto authority legislatively. I believe that H.R. 1578 as passed by the House, which provides for a modified line-item veto, represents a good compromise that would go a long way toward achieving the purposes of a line-item veto. I hope that I will continue to have your support in the effort to control spending and eliminate undesirable items of spending.

With best wishes,

Sincerely,

BILL CLINTON.

SENATE RESOLUTION 61—RELATIVE TO THE PRESIDENTIAL VETO

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 61

Whereas article I, section 7, clause 2 of the Constitution authorizes the President to veto bills passed by both Houses of Congress;

Whereas article I, section 7, clause 3 of the Constitution authorizes the President to veto every "Order, Resolution, or Vote" passed by both Houses of Congress;

Whereas during the Constitutional Convention, Roger Sherman of Connecticut opined that article I, section 7, clause 3 was "unnecessary, except as to votes taking money out of the Treasury";

Whereas the language of article I, section 7, clause 3 was taken directly from the Constitution of the Commonwealth of Massachusetts of 1780;

Whereas the provision of the Massachusetts Constitution of 1780 that was included as article I, section 7, clause 3 of the United States Constitution vested in the Governor

of Massachusetts the authority to veto individual items of appropriation contained in omnibus appropriations bills passed by the Massachusetts Legislature;

Whereas the Governor of Massachusetts had enjoyed the authority to veto individual items of appropriation passed by the legislature since 1733;

Whereas in explaining the purpose of the constitutional veto power, Alexander Hamilton wrote in The Federalist No. 69 that it "tallies exactly with the revisionary authority of the council of revision" in the State of New York, which had the authority to revise or strike out individual items of appropriation contained in spending bills;

Whereas shortly after the new Federal Constitution was adopted, the States of Georgia, Pennsylvania, Vermont, and Kentucky adopted new Constitutions which included the language of article I, section 7 of the Federal Constitution, and allowed their Governors to veto individual items of appropriation on the basis of these provisions;

Whereas the contemporary practice in the States is probative as to the understanding of the framers of the Constitution as to the meaning of article I, section 7, clause 3;

Whereas President Washington, on a matter of presidential authority, exercised the prerogative to shift appropriated funds from one account to another, effectuating a line-item veto;

Whereas President Jefferson considered appropriations bills to be permissive and refused on at least two occasions to spend funds appropriated by the Congress: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Constitution grants to the President the authority to veto individual items of appropriation and

(2) the President should exercise that constitutional authority to veto individual items of appropriation without awaiting the enactment of additional authorization.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, January 17, 1995, at 10 a.m. in open and closed sessions to discuss the worldwide threat to the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING MAJORITY PARTY APPOINTMENTS TO COMMITTEES ON SMALL BUSINESS AND AGING

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title. The bill clerk read as follows:

A resolution (S. Res. 57) making majority party appointments to the Small Business and Aging Committees for the 104th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

So the resolution (S. Res. 57) was agreed to, as follows:

Resolved, That the following shall constitute the majority party's membership on the following Senate committees for the 104th Congress, or until their successors are appointed:

Small Business: Mr. Bond (Chairman), Mr. Pressler, Mr. Burns, Mr. Coverdell, Mr. Kempthorne, Mr. Bennett, Mrs. Hutchison, Mr. Warner, Mr. Frist, and Ms. Snowe.

Aging: Mr. Cohen (Chairman), Mr. Pressler, Mr. Grassley, Mr. Simpson, Mr. Jeffords, Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, and Mr. Thompson.

PROVIDING FOR MEMBERS OF JOINT COMMITTEES ON PRINTING AND THE LIBRARY

AUTHORIZING PRINTING OF SENATE RULES

Mr. LOTT. Mr. President, I send to the desk two resolutions regarding Rules Committee routine matters and ask unanimous consent for their immediate consideration, en bloc, that they be agreed to, en bloc, and the motion to reconsider be laid on the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolutions (S. Res. 58 and S. Res. 59) were agreed to, as follows:

S. RES. 58

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Ted Stevens, Mark O. Hatfield, Thad Cochran, Wendell H. Ford, and Daniel K. Inouye.

Joint Committee on the Library of Congress: Mark O. Hatfield, Ted Stevens, Thad Cochran, Claiborne Pell, and Daniel P. Moynihan.

S. RES. 59

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 600 additional copies of such document for the use of the Committee on Rules and Administration.

ORDERS FOR TOMORROW

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11:30 a.m. on Wednesday, January 18, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of routine morning business not to go beyond the hour of 12 noon, with Senators permitted to speak for not more than 5 minutes each with the following Senators permitted to speak for the designated times: Senator INHOFE, 10 minutes; Senator THOMAS, 10 minutes, and Senator CAMPBELL for 5 minutes.